

**City Council of the Mayor and Council of New Castle**  
**Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle**  
**Tuesday – February 8, 2011 – 7 p.m.**

**Present:**

Council President William Barthel  
Councilperson John Gaworski  
Councilperson Ted Megginson  
Councilperson Teel Petty

**Absent:**

Councilperson John Cochran

**Also present:** Treasurer Janet Carlin, City Administrator Cathryn Thomas, Police Chief Kevin McDerby, Building Official Jeff Bergstrom, City Solicitor Daniel Losco, City Planner Marian Hull

**Approval of Minutes by Date**

A motion was made by Councilperson Petty to approve the minutes of January 18 and January 27, 2011, as presented. The motion was seconded by Councilperson Gaworski. It was approved unanimously.

**Approval of Treasurer's Report**

Treasurer Carlin reported that, as of January 31, 2011, total petty cash on hand was \$400; total monthly deposit, \$413,814.66; total cash in accounts, \$321,958.01; total certificates of deposit and Delaware Government Investment Pool, \$2,321,621.02; and total cash on hand, \$2,643,579.03.

Councilperson Gaworski made a motion to accept the report. Councilperson Petty seconded the motion. The motion passed unanimously.

**Report from the City Administrator**

Administrator Thomas highlighted some items from her written report, noting the City received another grant, for \$200,000, for the purchase of the parcel owned by the Immanuel Episcopal Church. She said Solicitor Losco will address an agenda item on this.

Council President Barthel said the report was accepted as presented.

**Approval of Staff Reports**

Council President Barthel said the staff reports were accepted as presented.

**Grant Review**

Administrator Thomas provided the review on behalf of Councilperson Cochran. Grant income: Municipal Street Aid Fund, \$43,808.55; Police Drug Grant, \$4,126.33; Police Saille Grant, \$5,387.81; Police Pension Supplement, \$18,314.74; State of Delaware, \$363.36, \$1,900 and \$387.96.

**Unfinished Business**

1. First and Second Reading of Ordinance No. 480, amending the City of New Castle Zoning Code, modifying the language specifying the Zoning Amendment Procedure.

President Barthel said the City has received some suggestions on some changes from a resident.

City Planner Marian Hull outlined those changes and said the most substantive change was having a period of review within which the Planning Commission needs to respond. There is a 40-day period in the current ordinance which was not practical. The most substantive change was a 90-day review period from the receipt of a proposal or a petition. The other change the Planning Commission requested was that any amendment should be in accordance with the comprehensive plan.

Administrator Thomas said the citizen who suggested the changes was Richard Stadt and he made a lot of suggestions that increase the notice requirements and ensure the surrounding property owners are aware. It is a proactive notification requirement.

President Barthel said the City Council will hold another public hearing and then go forward with first and second readings.

### **New Business**

1. Motion, Discussion and Vote on a Resolution to Appoint Francis (Bud) Waraksa as Absentee Ballot Clerk for the City Election.

Councilperson Petty made a motion to appoint Francis (Bud) Waraksa as Absentee Ballot Clerk for the City Election. Councilperson Gaworski seconded the motion. The motion was passed unanimously.

Administrator Thomas said the location of the City Election is changing from the Good Will Fire Hall to the Senior Center, with the election to be held on April 9.

2. Discussion and Decision on whether the City shall have a Memorandum of Understanding with the State Division of Fish and Wildlife or, in the alternative, have a Conservation Easement be placed on the parcel of land owned by Immanuel Episcopal Church, which the City proposes to purchase, to ensure permanent preservation of the property as open space with passive recreational opportunities.

Solicitor Losco said the purpose is to provide protections of the wetlands habitat. There are two proposed ways of achieving it. One is a memorandum of understanding and the other is more formal conservation easement. His preference and recommendation is to go with the conservation easement. He is more familiar with it, it provides more precision and it is going to be on public record. There would be some negotiation in terms of what is allowed.

Administrator Thomas said there are limits to development as a condition of the federal grant. The City did express that it wanted to put in some type of trail and parking area. It would be for passive recreation.

Mr. Losco explained some examples of items subject to negotiation could include the material the trail is made of, what type of signage would be allowed, etc.

Mr. Hunter Ficke from Immanuel Church said the grant agencies have to do a review of the appraisal and then once it is done they can look at the covenants. There are no restrictions the church puts on it. The discussions are between the City and the grant agencies and the Trust for Public Land.

Councilperson Petty asked about the maintenance.

Mr. Losco said that it is the City's responsibility and involves chiefly handling items such as invasive species, cutting it back.

Administrator Thomas said another key item is the ability to manage the dike on the property.

3. Discussion of the City Comprehensive Plan, the Section: Goal No. 4 of the Housing Plan.

President Barthel said the City has been approached by a property owner on whether what is in the Comprehensive Plan is the equivalent of creating a redevelopment zone.

City Planner Hull said they would be looking at an overlay that would have more flexibility in development standards for properties that would be deemed for redevelopment, wherever they are. This would not be another zoning designation. It is not required. It would just allow more liberal development standards to allow properties to be developed. There is a list of properties but not a formal one.

President Barthel said this property owner is asking for relief. It would seem to make more sense to go to the Board of Adjustment.

Administrator Thomas said this is for one building or one building lot. There is certainly a mechanism—the Board of Adjustment.

Planner Hull said the recommendation in the Comprehensive Plan is aimed at the type of property this is, not a large development. It was aimed at the potential for a single blighted property bringing down the neighborhood. In some cases these are historic structures.

Councilperson Petty said it needs a lot more looking into.

Council President Barthel said the consensus is to table for future discussion.

4. Comments from the floor.

Don Reese, W. 7<sup>th</sup> St, said he had been in contract with a representative from Sen. Carper's office and the proposal for the National Park will be presented this week. It is the first step toward formation of the National Park.

Beverly Ross, Tremont Street, raised a concern regarding Seventh Street and the dangerous situation around the curve. She is requesting to have no parking on the right-hand side as you are coming into Seventh Street past the two businesses there. Both businesses have off-street parking. She contacted the Police who suggested coming to Council. Yellow curbing and signs are needed.

Jim Wisman said there is a lot of traffic flowing up Seventh Street from Delaware. There are four parking spots on the western side that are causing a hazard. There is not room for two cars. He would like the four spots to be designated as no parking. The first block is a hazardous.

President Barthel said Seventh Street has popped up a lot. He suggested putting Seventh Street and this issue on the upcoming mid-year budget meeting.

Councilperson Gaworski suggested looking at the Ninth Street at Deemer's Landing as well.

Dr. Soma Padmalingam, of Chestnut Street, said as the owner of a business on Seventh Street, the concerns are legitimate. He said the City has done the best it can to keep the streets safe for residents during the recent miserable weather. He questioned whether there is something more it can do better in terms of long-term planning to improve handling of snow and ice. It has been two years in a row. Perhaps using a few more contractors.

Jeff Lank from the Jaycees presented a \$500 check as a donation to the City as he stated he would do at the meeting the previous month.

Councilperson Petty made a motion to adjourn the meeting. Councilperson Megginson seconded the motion. The motion passed unanimously.

The meeting was adjourned at 7:44 p.m.

Next Regular Meeting Date: March 8, 2011